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April 1, 2010

***Via ECF***

The Honorable James Orenstein  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: **Ocello v. The City of New York, et. al.**  
**Docket No.: CV-05-3725 (DGT) (JO)**  
**Our File No: 29954-RGC/MDW**

Dear Magistrate Judge Orenstein:

We represent the defendants/cross-claimants, Great Lakes Dredge & Dock Company LLC ("Great Lakes") and Gates Construction Corporation ("Gates") (collectively "the Great Lakes defendants"), and write in response to the Court's Order/Minute Entry dated March 15, 2010. That Order required the Great Lakes' defendants to elect one of three options with respect to the potential impleader of Daniel Frankfurt P.C. ("Frankfurt") and White Marine, Inc. ("White Marine").

After much consideration, the Great Lakes defendants have decided to elect option 2(b) (i.e. impleading Frankfurt and White Marine into the present action and bearing the associated discovery costs including reasonable attorneys' fees of the City of New York and Harris Construction Corp.).

In view of the foregoing election, it will be difficult (if not impossible) for the parties to devise a discovery plan by April 8 in accordance with the aforementioned Order without the involvement of Frankfurt and White Marine. Accordingly, the Great Lakes' defendants respectfully request that a further order be issued granting leave to implead third-party defendants, Daniel Frankfurt P.C. and White Marine, Inc. Once these parties have been impleaded and have appeared, a discovery plan can be developed in accordance with the provisions of Rule 26 of the Federal Rules of Civil Procedure and any further order of this Court.

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Should the Court require a proposed form of order, or any further information, we would be pleased to submit same for Your Honor's consideration.

Respectfully submitted,

HILL RIVKINS LLP



Robert G. Clyne

/cb  
018-Court

cc: ***Via ECF***  
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